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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,145	01/31/2002	Takayuki Suzuki	P 284982 SPO-2477	7654

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EXAMINER

LEE, Y YOUNG

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/059,145

Applicant(s)  
Takayuki Suzuki et al

Examiner  
Y. Lee

Art Unit  
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Mar 18, 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/805,477.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119 (a)-(d). The certified copy has been filed in parent Application No. 08/805,477, filed on 2/25/97.

### ***Drawings***

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/18/02 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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*Claim Objections*

5. Claims 20, 33, and 36 are objected to because of the following informalities:

a.claim 20, line 4, --,-- should be deleted;

b.claim 33, line 4, "rage" should be changed to --rays--; and

c.claim 36, line 1, "paid" should be changed to --said--.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiyama et al (5,436,655).

Hiyama et al, in Figures 6, 8, (18, 21), 45, 46, (66), and (76), discloses the same TV observation system for an endoscope specified in claims 18-37 of the present invention, comprising a light source 205 including a combination of a plurality of light emitting elements (247, 223); a power supply configured to supply electric power to the light source 205; a light transmitter 217 configured to transmit light from the light source 205 to a distal end 227 of an

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endoscope 261; a compounding optical system 242 configured to compound light having different emission spectral bands from the plurality of light emitting elements, wherein at least one of the light source 205, the power supply and the compounding optical system 242 is disposed adjacent to the endoscope 261 so that light transmitted through the compounding optical system 242 is supplied to the light transmitter 217; wherein each of the light emitting elements is a small-sized light emitting element having a narrow emission spectral band; electric currents applied to the light emitting elements are controlled so that amounts of light emission 230 of the light emitting elements are set in a desired ratio for color control 98 of light as compounded by the light compounding optical system 242 or so that the light emitting elements sequentially emit light.

With respect to claims 21-24, the compounding optical system is a prism assembly 242 having two right-angled prism elements cemented together to form a cube and an interface of the two prism elements is processed with a band pass coat configured to transmit rays having predetermined wavelengths and to reflect remaining rays; a planar plate 112 disposed adjacent to an entrance end face of the light transmitter 217 and is used as a cover glass configured to protect the light transmitter 217 and has a fine pattern engraved on a surface thereof to use a diffraction effect.

With respect to claims 25-29, the light source, the power supply and the compounding optical system are arranged in an attachment TV camera 701 constructed and arranged to removably mount on the endoscope 702, the power supply is arranged in a TV processor 737

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which displays electric signals from the TV camera, and a power line is arranged, along with a signal cable of the TV camera 734, to connect the attachment TV camera 701 and the TV processor 737.

***Conclusion***

**8. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

**Or:**

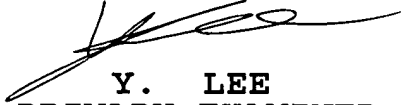
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (703) 308-7584.



**Y. LEE**  
**PRIMARY EXAMINER**

Y. Lee/yl  
June 3, 2002